

## **REMARKS**

Reconsideration of this application as amended, is respectfully requested.

### **I. Status of the Claims**

Claim 5 has been cancelled.

Claims 3, 4, 7 and 8 are pending in the application.

Claims 3, 7 and 8 have been amended. The amendments do not add new matter.

### **II. Objections under 37 C.F.R § 1.75**

The Examiner states that claims 3 and 5 are similar in content and that the allowance of one would preclude the allowance of the other. Applicants have cancelled claim 5 and request the above objection be withdrawn.

### **III. Rejections under 35 U.S.C. § 112**

Claims 3-5 and 7-8 stand rejected under 35 U.S.C. § 112, second paragraph. Regarding claim 3, the Examiner states that it is unclear as to whether the limitation in claim 3 is similar to that of claim 8, line 11. Regarding claim 5, the Examiner states that it is unclear as to whether the limitation in claim 5 is similar to that of claim 8, line 11. Applicants have amended claim 8, removing line 11, reciting, {M:\4178\0L166\00025669.DOC [REDACTED] }

"said exhaust guided to said rotation brush in a direction to add a rotation force to said rotation brush." Regarding claims 3 and 5, the Examiner states that it is unclear as to which element that has been claimed to construct the vacuum cleaner is "adapted". Applicants have amended claim 3 to clearly claim the elements of the invention. Applicants have cancelled claim 5. Additionally, Applicants have amended claims 7 and 8 to correct the informalities noted by the Examiner. The amendments to claims 3, 7 and 8 render the claims definite and Applicants request the above rejection be withdrawn.

#### **IV. Rejections under 35 U.S.C. § 103(a)**

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Canadian Patent No. CA977910 to Tupper (hereinafter "CA '910") in view of U.S. Patent No. 4,393,536 to Tapp.

The Examiner states that CA '910 discloses a similar vacuum cleaner however does not disclose an agitator motor. The Examiner states that Tapp teaches a rotary brush and an agitator motor in the suction tool for rotating the brush and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the motor of Tapp in CA '910 to allow for continual rotation of the brush. Applicants respectfully traverse the above rejection.

Applicants have amended claim 7 to specify a single means connected to one end of the hose device for connecting the inner hose to the suction inlet of the fan and the outer hose to the exhaust outlet of the fan. Applicants respectfully submit that CA '910 does not disclose or teach the present invention because the inner and outer hoses are connected to separate locations of the vacuum cleaner body, and each hose is provided with an independent connecting means. Applicants respectfully submit that CA '910 teaches inner tubing 7 passing through a duct 8 within the outer tubing 2, after which inner tubing 7 connects to air exhaust end 6 and outer tubing 2 connects to inlet end 5. See, CA '910 Figure 1. This is in contrast to the claimed invention because the inner and outer hoses of CA '910 are not provided with a single connection means. Thus, CA '910 and Tapp do not teach or suggest a single means connected to one end of the hose device for connecting the inner hose to the suction inlet of the fan and connecting the outer hose to the exhaust outlet of the fan.

Additionally, Applicants respectfully disagree with the Examiner's reading of CA '910. The Examiner states that CA '910 discloses means connected to the hose device for connecting the inner hose with the suction inlet of the fan and the outer hose to the exhaust of the fan (CA '910; Figure 1). Applicants respectfully submit that CA '910 does not disclose or teach the present invention because the inner hose is not connected with the suction inlet of the fan and the outer hose is not connected to the exhaust of the fan as specified in claim 7 and recited above. CA '910 discloses {M:\4178\0L166\00025669.DOC [REDACTED] }

connecting the inner tubing 7 to the air exhaust end 6 and connecting the outer tubing 2 to the air inlet end 5. CA '910 states, "The vacuum cleaner body 1 has an inlet end 5 and an air exhaust end 6. Tubing 7 is connected to this exhaust end 6 and passes into the wall of flexible tubing 2..." (page 3, lines 16-20). Thus, CA '910 and Tapp do not teach or suggest connecting the inner hose to the suction inlet of the fan and connecting the outer hose to the exhaust outlet of the fan.

Claims 3, 5 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over CA '910 in view of Tapp, and in further view of United Kingdom Published Patent Application No. GB2292882, to Benjamin Edginton et al. (hereinafter "GB '882"). The Examiner admits that CA '910 and Tapp do not teach directing the exhaust air onto the brush but states that GB '882 discloses directing exhaust air onto a rotating brush. The Examiner then states that it would have been obvious to one of ordinary skill in the art to allow for the most effective suctioning of dirt from a surface in CA '910 in view of Tapp and GB '882.

Claims 3 and 8 depend from amended claim 7. Thus, the argument above, regarding the single connection means of claim 7, pertains to this rejection. Claim 5 has been cancelled. Additionally, GB '882 does not teach or disclose the elements lacking in CA '910 and present in the claims. Applicants respectfully request withdrawal of this rejection.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over CA '910 in view of Tapp in view of GB '882, and further in view of Canadian Patent No. CA972510 to Loetkeman (hereinafter "CA '510"). The Examiner admits that the combination of CA '910, Tapp and GB '882 does not disclose a pivoting pipe but states that CA '510 discloses a vacuum cleaner having an exhaust path which uses a pivoting pipe. The Examiner states that it would have been obvious to one of ordinary skill in the art to allow for ease in maneuvering the toll to various locations in CA' 910 in view of Tapp, GB '882 and CA '510. The Examiner also states that it would have been obvious to one of ordinary skill in the art to have slack in the wires in the vicinity of the pivoting pipe in CA '910 in view of Tapp, GB '882 and CA '510 to ensure that the pivoting would not cause the motor wires to become disconnected during use.

Claim 4 depends from amended claim 7. Thus, the argument above, regarding the single connection means of claim 7, pertains to this rejection. Additionally, CA '510 does not teach or disclose the elements lacking in CA '910 and present in the claims. Applicants respectfully request withdrawal of this rejection.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,324,722 to Takemoto in view of Tapp.

The Examiner states that Takemoto discloses a similar vacuum cleaner however does not disclose an agitator motor. The Examiner states that Tapp teaches {M:\4178\0L166\00025669.DOC [REDACTED] }

a rotary brush and an agitator motor in the suction tool for rotating the brush and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the motor of Tapp in Takemoto to allow for continual rotation of the brush. Applicants respectfully traverse the above rejection.

Applicants have amended claim 7 to specify, "an air filter in the exhaust path wherein the air filter is disposed externally to the dust collecting chamber." As described in the specification on page 5, lines 17-20:

A filter 13 is interposed in second opening 12. After passing through the motor, a portion of the exhaust from motorized fan 6 is discharged from motor cover 10 through filter 13 and then through an axle portion of a wheel 14 positioned on the side of body case 2.

Additionally, Figures 1-3 illustrate air filter 13 disposed externally to dust collection chamber 5. Applicants respectfully submit that Takemoto does not disclose or teach the claims of the present invention because Takemoto's air filter is housed in the dust collecting chamber and cleans air from the suction port. Takemoto teaches "A paper pack filter 27 is disposed as a dust collecting filter in the dust collecting chamber 25" (column 5, lines 22-23). Takemoto does not teach or suggest placing an air filter in the exhaust path for filtering recycled exhaust air from the motorized fan. Thus, Takemoto and Tapp do not teach or suggest an air filter in the exhaust path wherein the air filter is disposed externally to the dust collecting chamber.

Claims 3, 5 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takemoto in view of Tapp, and in further view of GB '882. The Examiner admits that Takemoto and Tapp do not teach directing of the exhaust air onto the brush but states that GB '882 discloses directing exhaust air onto a rotating brush. The Examiner then states that it would have been obvious to one of ordinary skill in the art to allow for the most effective suctioning of dirt from a surface in Takemoto in view of Tapp and GB '882.

Claims 3 and 8 depend from amended claim 7. Thus, the argument above, with regarding the air filter of claim 7, pertains to this rejection. Claim 5 has been cancelled. Additionally, GB '882 does not teach or disclose the elements lacking in Takemoto and present in the claims. Applicants respectfully request withdrawal of this rejection.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Takemoto in view of Tapp in view of GB '882, and further in view of CA '510. The Examiner admits that the combination of Takemoto, Tapp and GB '882 does not disclose a pivoting pipe but states that CA '510 discloses a vacuum cleaner having an exhaust path which uses a pivoting pipe. The Examiner states that it would have been obvious to one of ordinary skill in the art to allow for ease in maneuvering the toll to various locations in Takemoto in view of Tapp, GB '882 and CA '510. The Examiner also states that it would have been obvious to one of

ordinary skill in the art to have slack in the wires in the vicinity of the pivoting pipe in Takemoto in view of Tapp, GB '882 and CA '510 to ensure that the pivoting would not cause the motor wires to become disconnected during use.

Applicants respectfully submit that claim 4 depends from amended claim 7. Thus, the argument above, regarding the air filter of claim 7, pertains to this rejection. Additionally, CA '510 does not teach or disclose the elements lacking in Takemoto and present in the claims. Applicants respectfully request withdrawal of this rejection.

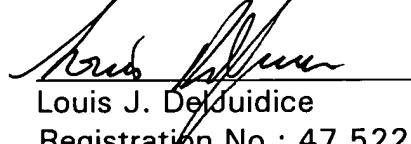
## CONCLUSION

In view of the above amendments and remarks, it is believed that claims 3, 4, 7 and 8 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: July 17, 2003

Respectfully submitted,

  
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